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**COURT DECISIONS.**
**COURT REFUSES TO ENJOIN ERECTION OF TUBERCULOSIS HOSPITAL.<sup>1</sup>**

The Supreme Judicial Court of Massachusetts has recently refused to enjoin the erection of a tuberculosis hospital as a nuisance.

Under the law it was the duty of the city of Fall River to establish and maintain within its limits a tuberculosis hospital. A site was selected and this site was approved by both the local board of health and the State department of health.

The plaintiffs resided in the vicinity of the proposed new hospital and sought to enjoin its erection on the ground that it would constitute a nuisance. The court, however, decided adversely to them and refused to issue an injunction. The following is quoted from the opinion:

Hospitals for contagious diseases must be established and maintained for the protection of the general public; and it is not to be assumed in advance that such a hospital, well equipped and managed under the supervision of public health boards, will be a nuisance. \* \* \*

Without going so far as to say that purely mental discomfort can not constitute a nuisance, certainly the law will not enjoin the erection of a municipal hospital on facts such as are disclosed by this record, in order to protect the plaintiffs from dangers which are found to be unreal. \* \* \* Depreciation of the market value of the petitioners' land, assuming it to be proved, would not be decisive in their favor. \* \* \* In *Everett v. Paschall*, 61 Wash., 47; 111 Pac., 879; 31 L. R. A. (N. S.) 827; Ann. Cas., 1912B, 1128, relied on by the petitioners, the defendant maintained in his cottage, adjoining the lots of the plaintiffs, a private sanatorium for the treatment of tuberculosis patients; and the injunction was granted partly at least under the influence of a statute of that State which broadened the definition of nuisance. There is nothing in that case, nor in *Cherry v. Williams*, 147 N. C., 452; 61 S. E., 267; 125 Am. St. Rep., 566; 15 Ann. Cas., 715, to support a claim that a public hospital for the treatment of tuberculosis is a nuisance *per se*. In view of the findings of the master we should have to go substantially to this extreme in order to say that the trial judge was not warranted in dismissing the bill for an injunction. \* \* \*

**ADMISSION OF UNVACCINATED CHILDREN TO SCHOOL.<sup>2</sup>**

A decision concerning the attendance at school of unvaccinated children has recently been rendered by the Supreme Judicial Court of Massachusetts.

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<sup>1</sup> *Cook et al. v. City of Fall River*, 131 N. E., 346.

<sup>2</sup> *Spoford v. Carlton et al.*, 131 N. E., 314.

The statutes of that State require the vaccination of children before they can be admitted to the public schools, but an exception is made in the case of a child who presents a physician's certificate that such child is an unfit subject for vaccination. A regulation adopted by the school committee of the city of Haverhill required that such physician's certificate of exemption be renewed every two months.

The children of the petitioner in this case were excluded from school because they were not vaccinated and did not comply with the school committee's regulation requiring the renewal of a physician's certificate. A writ of mandamus to compel the respondents, the school committee, to admit the children to school was petitioned for, but the court dismissed the petition. In its opinion the court stated as follows: -

\* \* \* The intention of the legislature is clear that the exemption is not to cover absolutely the entire period of the child's attendance, but the certificate is limited to the period when his physical condition is such that in the opinion of the certifying physician he is an unfit subject for vaccination. \* \* \* The regulation is not a matter of law so unreasonable or arbitrary as to be invalid, nor is it discriminatory. \* \* \*

### DEATHS DURING WEEK ENDED JULY 9, 1921.

*Summary of information received by telegraph from industrial insurance companies for week ended July 9, 1921, and corresponding week, 1920. (From the "Weekly Health Index," July 12, 1921, issued by the Bureau of the Census, Department of Commerce.)*

	Week ended July 9, 1921.	Corresponding week, 1920.
Policies in force.....	46, 741, 826	44, 307, 593
Number of death claims.....	6, 531	7, 006
Death claims per 1,000 policies in force.....	7.3	8.2